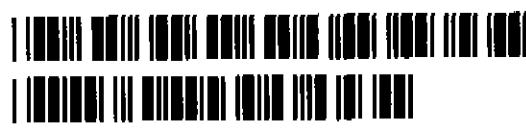


1
2 FILED ENTERED
3 LODGED RECEIVED
4 MAR 13 2007



5 BY AT SEATTLE
6 CLERK U.S. DISTRICT COURT
7 WESTERN DISTRICT OF WASHINGTON DEPUTY

07-CV-00211-ORD

8
9
10 UNITED STATES DISTRICT COURT
11 WESTERN DISTRICT OF WASHINGTON
12 AT SEATTLE

13 HENK VISSER,)
14 Plaintiff,) CASE NO. C07-211-MJB
15 v.)
16 BOEING, et al.,) ORDER DENYING APPLICATION
17 Defendants.) TO PROCEED IN FORMA PAUPERIS
18 AND DISMISSING CASE

19 Plaintiff, appearing *pro se*, has filed an application to proceed *in forma pauperis* ("IFP")
20 in this action. Dkt. #1. The Honorable Marsha J. Pechman re-referred this matter to the
21 undersigned Magistrate Judge for reconsideration of whether Plaintiff should be allowed to
22 proceed *in forma pauperis* in light of a Ninth Circuit bar order against him and the questionable
23 viability of his complaint.¹ Dkt. #7.

24 Pursuant to 28 U.S.C. § 1915(e)(2)(B), this Court may deny an application to proceed
25 IFP and shall dismiss an action if it is frivolous or the complaint fails to state a claim upon
26

27
28 ¹This Court previously issued an order on February 15, 2007, granting Plaintiff leave to
29 proceed *in forma pauperis* based solely on his demonstration of indigency. Dkt. #3.

30 ORDER DENYING APPLICATION
31 TO PROCEED IN FORMA PAUPERIS
32 AND DISMISSING CASE - 1

1 which relief can be granted.² See 28 U.S.C. § 1915(e)(2)(B)(i)-(ii); *O'Loughlin v. Doe*, 920
 2 F.2d 614 (9th Cir. 1990). An action is frivolous if “it lacks an arguable basis in law or in fact.”
 3 *Neitzke v. Williams*, 490 U.S. 319, 325 (1989).

4 In *Visser v. Supreme Court of State of Cal.*, 919 F.2d 113 (9th Cir. 1990), the court
 5 stated, “This court has the inherent power to restrict a litigant’s ability to commence abusive
 6 litigation in forma pauperis.” *Id.* at 114 (*citing In re McDonald*, 489 U.S. 180, 109 S.Ct. 993,
 7 103 L.Ed.2d 158 (1989)). The Ninth Circuit noted numerous mandamus petitions with requests
 8 to proceed IFP that petitioner Henk Visser had filed in that court, and his five pending
 9 mandamus petitions which contained vague, rambling diatribes that had been put forward
 10 without success in all his prior filings. The court therefore concluded that he had engaged in a
 11 pattern of litigation which is manifestly abusive and denied his IFP request. *Visser*, 919 F.2d at
 12 114.

13 Since the Court’s February 15, 2007 order in the present case, Plaintiff has filed three
 14 additional pleadings, including a complaint against others such as the Secretaries of State of
 15 several U.N. Nations (Dkt. #6), and an amended complaint against emperors, kings, and princes
 16 (Dkt. #8). The third filing, a notice of appeal, is brought against “those Bankruptcy Judges in
 17 the region of New Rork [sic] and Maryland.” Dkt. #9. Allegations in Plaintiff’s complaints
 18 appear to ramble and cite to Dutch law, U.S. federal law, and violations of the “Law of
 19 Nations.” Dkt. ## 1, 6, 8. However, the complaints do not state any discernable claim under
 20 United States jurisprudence. Each pleading separately appears frivolous and collectively, only
 21 more so. Thus, the Complaint should be DISMISSED as frivolous. *Neizke*, 490 U.S. at 325.

22

23 ² Although not controlling here, a review of court records under his name in other
 24 jurisdictions show that Henk Visser has filed 29 bankruptcy cases and 24 appellate cases.

25 ORDER DENYING APPLICATION
 26 TO PROCEED IN FORMA PAUPERIS
 AND DISMISSING CASE - 2

The Court advises Plaintiff of his responsibility to research the facts and law before filing an action to determine whether the action is frivolous. If Plaintiff files a frivolous action, he may be sanctioned. See Fed. R. Civ. P. 11(b). If Plaintiff files numerous frivolous or malicious actions, the court may bar him from proceeding IFP in this court. See *Delong v. Hennessey*, 912 F.2d 1144, 1146-48 (9th Cir. 1990) (discussing bar order requirements).

Accordingly, Plaintiff's complaint fails to state a claim upon which relief may be granted. Plaintiff's IFP application is DENIED and this matter is DISMISSED without prejudice. *See* 28 U.S.C. § 1915(e)(2)(B).

DATED this 9 day of March, 2007.

Wardell Peacock

MARSHA J. PECHMAN
United States District Judge

Recommended for Entry
this 7th day of March, 2007:

/s/Monica J. Benton
MONICA J. BENTON
United States Magistrate Judge

**ORDER DENYING APPLICATION
TO PROCEED IN FORMA PAUPERIS
AND DISMISSING CASE - 3**